



To the Honorable Council  
City of Norfolk, Virginia

October 23, 2012

From: Frank M. Duke, AICP, Planning Director

**Subject:** The closing, vacating and discontinuing of three small segments of East Ocean View right-of-way as well as a portion of Old 23<sup>rd</sup> Bay Street from Pleasant Avenue to E. Ocean View Avenue

Reviewed: Anne Odell, AICP, Assistant City Manager

**Ward/Superward:** 5/6

Approved:

*Anne Odell*  
*Marcus D. Jones*  
Marcus D. Jones, City Manager

**Item Number:** C-2

I. **Recommendation:** Schedule Public Hearing

II. **Applicant:** Norfolk Redevelopment and Housing Authority

III. **Description**

- This agenda item is to close three unimproved segments of East Ocean View Avenue and a portion of Old 23<sup>rd</sup> Bay Street, further described as:
  - A ten foot strip south of the northern line of East Ocean View Avenue, 62 feet, more or less, east of Old 23<sup>rd</sup> Bay Street eastwardly 275 feet, more or less;
  - A 15 foot strip north of the southern line of East Ocean View Avenue, from Old 23<sup>rd</sup> Bay Street eastwardly 159 feet, more or less;
  - A 15 foot strip north of the southern line of East Ocean View Avenue, 199 feet, more or less, east of Old 23<sup>rd</sup> Bay Street eastwardly 47.50 feet, more or less;
  - A portion of Old 23<sup>rd</sup> Bay Street from Pleasant Avenue to E. Ocean View Avenue.
- To bring the East Ocean View Avenue right-of-way into conformance with the East Beach Master Plan, the applicant wishes to reduce the existing 75-foot right-of-way to the established East Beach 50-foot wide standard.
- Old 23<sup>rd</sup> Bay Street is to be re-platted according to proposed revisions to the East Beach Master Plan.

IV. **Analysis**

- The rights-of-way to be closed are located in the East Beach neighborhood which is developed with a mix of single-family and multi-family housing.

- The closures will abandon a portion of Old 23<sup>rd</sup> Bay Street as well as three small segments of East Ocean View Avenue right-of-way.
- A new 23<sup>rd</sup> Bay Street has been developed that conforms to the East Beach Master Plan.
- The closure of the rights-of-way will not create any negative impacts for the East Beach community.
- Easements satisfactory to the City of Norfolk Department of Utilities, as well as Cox Communications, Dominion Virginia Power, and Virginia Natural Gas have been reserved.

**V. Financial Impact**

The street closures will have no financial impact since the costs of conveying the underlying property have been waived.

**VI. Environmental**

Closure of these rights-of-way will not create additional traffic into the East Beach neighborhood.

**VII. Board/Commission Action**

By a vote of **6 to 0**, the Planning Commission recommended that the request to close this right-of-way be **approved**.

**VIII. Community Outreach/Notification**

- Legal notice was posted on the property on August 21.
- Letter was mailed to the East Beach Home Owners Association President on September 7.
- Notice was sent to the civic leagues by the Department of Communications on September 11.
- Letters were mailed to all property owners within 300 feet of the property on September 11.
- Legal notification was placed in *The Virginian-Pilot* on September 13 and 20.

**IX. Coordination/Outreach**

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Ordinances
- Location Map
- Zoning Map
- Letter to the Civic League

Form and Correctness Approval: By   
Office of the City AttorneyContents Approved: By \_\_\_\_\_  
DEPT. \_\_\_\_\_

NORFOLK, VIRGINIA

**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND  
DISCONTINUING OLD 23<sup>RD</sup> BAY STREET FROM  
PLEASANT AVENUE TO EAST OCEAN VIEW AVENUE.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, Council has the authority to close, vacate and discontinue public rights of way in the City of Norfolk; and

WHEREAS, the City of Norfolk has received an application from Norfolk Redevelopment and Housing Authority (NRHA) for the closure of Old 23<sup>rd</sup> Bay Street from Pleasant Avenue to East Ocean View Avenue, containing 0.528 acre of land, more or less; and

WHEREAS, after a public hearing, the City Planning Commission recommended that said portion of Old 23<sup>rd</sup> Bay Street be closed, vacated and discontinued; and

WHEREAS, the City of Norfolk has public utility facilities located in the right of way, and easements satisfactory to the Director of the Department of Utilities shall be reserved by the City; and

WHEREAS, the City of Norfolk has verified the existence of private utility facilities in the right of way to be closed which are located in said portion of Old 23<sup>rd</sup> Bay Street pursuant to franchise agreements with the City of Norfolk; and

WHEREAS, NRHA and the private companies have made satisfactory arrangements for easements or relocation of the facilities, as appropriate, to accommodate the closure of Old 23<sup>rd</sup> Bay Street; and

WHEREAS, the requirements of Section 42-212 of the Norfolk City Code, 1979, have been waived as to the abutting property owners in accordance with City policy relative to certain types of right of way; and

WHEREAS, NRHA has agreed to pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 42-213 of the Norfolk City Code, 1979, which relates to the vacation of public rights of way, has been met; and

WHEREAS, it is the judgment of the Council that the said portion of Old 23<sup>rd</sup> Bay Street is not needed for public use and travel and should be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Old 23<sup>rd</sup> Bay Street from the northern line of Pleasant Avenue northwardly to the southern line of East Ocean View Avenue, being 0.528 acre of land, more or less, more particularly described in Exhibit 1 and shown on Exhibit 2, both of which are attached hereto and made a part of this ordinance, is hereby closed, vacated, and discontinued as a public street of the City of Norfolk.

Section 2:- That it is the intent of the Council that the closure, vacation, and discontinuance of said portion of East Ocean View Avenue be subject to the reservation by the City of a utility easement by deed of easement, and the proper officers of the City are authorized to do all things necessary, including the delivery of a deed of easement to effect the closure of said portion of East Ocean View Avenue.

Section 3:- That a certified copy of this ordinance of vacation shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk in the name of the City of Norfolk as deeds are recorded and indexed.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.

## **EXHIBIT 1**


### **Closure of a Portion of Old 23<sup>rd</sup> Bay Street**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: That portion of Old 23<sup>rd</sup> Bay Street from the northern line of Pleasant Avenue northwardly to the southern line of E Ocean View Avenue.

The above-described parcel contains 0.528 acre of land, more or less.



DES. N/A JOB NO. 71705.01  
DRN. RDA SCALE 1"=80'  
CKD. JGB DATE 02/08/2012  
SHEET NO. 1 OF 1  
FILE NO. 71705 Ph0NW Cl Ex.dwg

Form and Correctness Approval: By   
Office of the City AttorneyContents Approved: By   
DEPT.

NORFOLK, VIRGINIA

**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A 15' STRIP NORTH OF THE SOUTHERN LINE OF EAST OCEAN VIEW AVENUE FROM OLD 23<sup>RD</sup> BAY STREET EASTWARDLY 159' MORE OR LESS.

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WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, Council has the authority to close, vacate and discontinue public rights of way in the City of Norfolk; and

WHEREAS, the City of Norfolk has received an application from Norfolk Redevelopment and Housing Authority (NRHA) for the closure of a 15' strip north of the southern line of East Ocean View Avenue, from Old 23<sup>rd</sup> Bay Street eastwardly 159', more or less; and

WHEREAS, after a public hearing, the City Planning Commission recommended that said portion of East Ocean View Avenue be closed, vacated and discontinued; and

WHEREAS, the requirements of Section 42-212 of the Norfolk City Code, 1979, have been waived as to the abutting property owners in accordance with City policy relative to certain types of right of way; and



WHEREAS, NRHA has agreed to pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 42-213 of the Norfolk City Code, 1979, which relates to the vacation of public rights of way, has been met; and

WHEREAS, it is the judgment of the Council that the said portion of East Ocean View Avenue is not needed for public use and travel and should be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a 15' strip north of the southern line of East Ocean View Avenue from Old 23<sup>rd</sup> Bay Street eastwardly 159', more or less, containing approximately 0.055 acre of land, more particularly described in Exhibit 1 and shown on Exhibit 2, both of which are attached hereto and made a part of this ordinance, is hereby closed, vacated, and discontinued as a public street of the City of Norfolk.

Section 2:- That a certified copy of this ordinance of vacation shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk in the name of the City of Norfolk as deeds are recorded and indexed.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

## **EXHIBIT 1**

### **Closure of a Portion of E Ocean View Avenue Containing 0.055 Acre**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of E Ocean View Avenue and being further described as follows: BEGINNING at a point that is the intersection of the eastern line of Old 23<sup>rd</sup> Bay Street and the southern line of E Ocean View Avenue; thence, from the point of beginning thus described, N 09°-02'18" E, 15.00 feet, more or less, to a point; thence, S 80°-57'42" E, 159.31 feet, more or less, to a point; thence, S 09°-02'-18" W, 15.00 feet, more or less, to a point on the said southern line of E Ocean View Avenue; thence, N 80°-57'42" W, 159.31, more or less, along said southern line to the point of beginning, all as shown on an exhibit entitled, "Street Closure Plan of a Portion of Old 23<sup>rd</sup> Bay Street Between East Ocean View Avenue and Pleasant Avenue and Portions of East Ocean View Avenue Between Old 23<sup>rd</sup> Bay Street and 24<sup>th</sup> Bay Street for Proposed East Beach Phase 6 Northwest," said exhibit being prepared by Woolpert of Chesapeake, Virginia and dated April 3, 2012.

The above-described parcel contains 0.055 acre of land, more or less.

2



676 INDEPENDENCE PARKWAY  
SUITE 100  
CHESAPEAKE, VA 23320-5218  
TEL: 757.549.3549  
FAX: 757.549.3540

DES. N/A JOB NO. 71705.01  
DRN. RDA SCALE 1"=80'  
CKD. JGB DATE 02/08/2012  
SHEET NO. 1 OF 1  
FILE NO. 71705 Ph6NW Cl Ex.dwg

Form and Correctness Approval:

By Tasha P. D.  
Office of the City Attorney

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Contents Approved:

By Oh  
DEPT.

NORFOLK, VIRGINIA

**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A 15' STRIP NORTH OF THE SOUTHERN LINE OF EAST OCEAN VIEW AVENUE, 199', MORE OR LESS, EAST OF OLD 23<sup>RD</sup> BAY STREET EASTWARDLY 47.50', MORE OR LESS.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, Council has the authority to close, vacate and discontinue public rights of way in the City of Norfolk; and

WHEREAS, the City of Norfolk has received an application from Norfolk Redevelopment and Housing Authority (NRHA) for the closure of a 15' strip north of the southern line of East Ocean View Avenue, 199', more or less, east of Old 23<sup>rd</sup> Bay Street eastwardly 47.50', more or less; and

WHEREAS, after a public hearing, the City Planning Commission recommended that said portion of East Ocean View Avenue be closed, vacated and discontinued; and

WHEREAS, the requirements of Section 42-212 of the Norfolk City Code, 1979, have been waived as to the abutting property owners in accordance with City policy relative to certain types of right of way; and

WHEREAS, NRHA has agreed to pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 42-213 of the Norfolk City Code, 1979, which relates to the vacation of public rights of way, has been met; and

WHEREAS, it is the judgment of the Council that the said portion of East Ocean View Avenue is not needed for public use and travel and should be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a 15' strip north of the southern line of East Ocean View Avenue, 199', more or less, east of Old 23<sup>rd</sup> Bay Street eastwardly 47.50', more or less, containing approximately 0.016 acre of land, more particularly described in Exhibit 1 and shown on Exhibit 2, both of which are attached hereto and made a part of this ordinance, is hereby closed, vacated, and discontinued as a public street of the City of Norfolk.

Section 2:- That a certified copy of this ordinance of vacation shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk in the name of the City of Norfolk as deeds are recorded and indexed.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

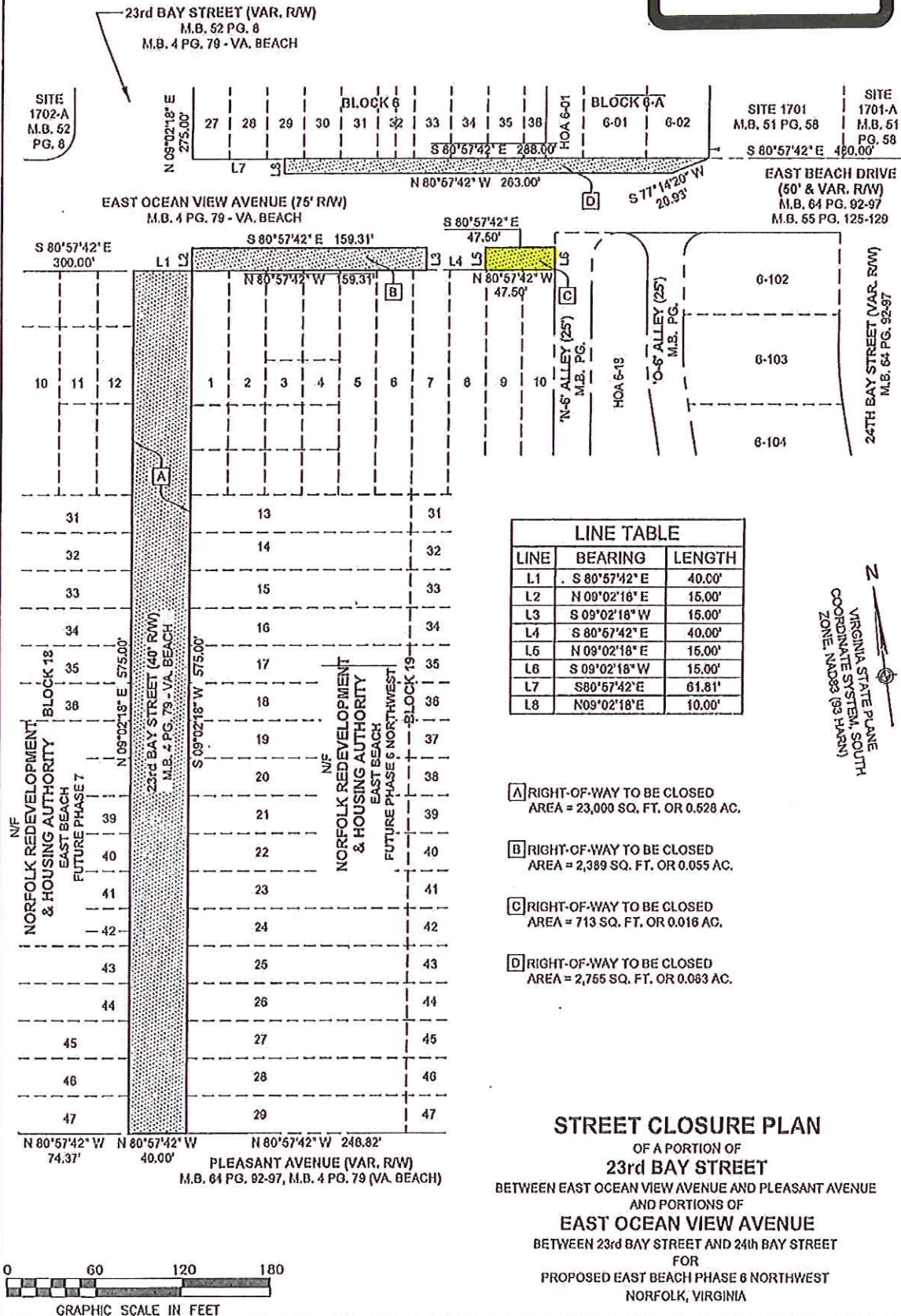


## **EXHIBIT 1**

### **Closure of a Portion of E Ocean View Avenue Containing 0.016 Acre**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of E Ocean View Avenue and being further described as follows: COMMENCING at a point that is the intersection of the eastern line of Old 23<sup>rd</sup> Bay Street and the southern line of E Ocean View Avenue; thence, from the point of commencement thus described, S 80°-57'42" E, 199.31 feet, more or less, to the point of BEGINNING; thence, from the point of beginning thus described, N 09°-02'18" E, 15.00 feet, more or less, to a point; thence, S 80°-57'42" E, 47.50 feet, more or less, to a point; thence, S 09°-02'-18" W, 15.00 feet, more or less, to a point on the said southern line of E Ocean View Avenue; thence, N 80°-57'42" W, 47.50, more or less, along said southern line to the point of beginning, all as shown on an exhibit entitled, "Street Closure Plan of a Portion of Old 23<sup>rd</sup> Bay Street Between East Ocean View Avenue and Pleasant Avenue and Portions of East Ocean View Avenue Between Old 23<sup>rd</sup> Bay Street and 24<sup>th</sup> Bay Street for Proposed East Beach Phase 6 Northwest," said exhibit being prepared by Woolpert of Chesapeake, Virginia and dated April 3, 2012.

The above-described parcel contains 0.016 acre of land, more or less.



Form and Correctness Approval:

By   
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By   
DEPT.**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND  
DISCONTINUING A 10' STRIP SOUTH OF THE  
NORTHERN LINE OF EAST OCEAN VIEW AVENUE, 62',  
MORE OR LESS, EAST OF OLD 23<sup>RD</sup> BAY STREET  
EASTWARDLY 275', MORE OR LESS.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, Council has the authority to close, vacate and discontinue public rights of way in the City of Norfolk; and

WHEREAS, the City of Norfolk has received an application from Norfolk Redevelopment and Housing Authority (NRHA) for the closure of a 10' strip south of the northern line of East Ocean View Avenue, 62', more or less, east of Old 23<sup>rd</sup> Bay Street eastwardly 275', more or less; and

WHEREAS, after a public hearing, the City Planning Commission recommended that said portion of East Ocean View Avenue be closed, vacated and discontinued; and

WHEREAS, the City of Norfolk has verified the existence of private utility facilities in the right of way to be closed which are located in said portion of East Ocean View Avenue pursuant to franchise agreements with the City of Norfolk; and

WHEREAS, NRHA and the private companies have made satisfactory arrangements for easements or relocation of the facilities, as appropriate, to accommodate the closure of said portion of East Ocean View Avenue; and

WHEREAS, the requirements of Section 42-212 of the Norfolk City Code, 1979, have been waived as to the abutting property owners in accordance with City policy relative to certain types of right of way; and

WHEREAS, NRHA has agreed to pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 42-213 of the Norfolk City Code, 1979, which relates to the vacation of public rights of way, has been met; and

WHEREAS, it is the judgment of the Council that the said portion of East Ocean View Avenue is not needed for public use and travel and should be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a 10' strip south of the northern line of East Ocean View Avenue, 62', more or less, east of Old Bay Street eastwardly 275', more or less, containing approximately 0.063 acre of land more particularly described in Exhibit 1 and shown on Exhibit 2, both of which are attached hereto and made a part of this

ordinance, is hereby closed, vacated, and discontinued as a public street of the City of Norfolk.

Section 2:- That a certified copy of this ordinance of vacation shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk in the name of the City of Norfolk as deeds are recorded and indexed.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

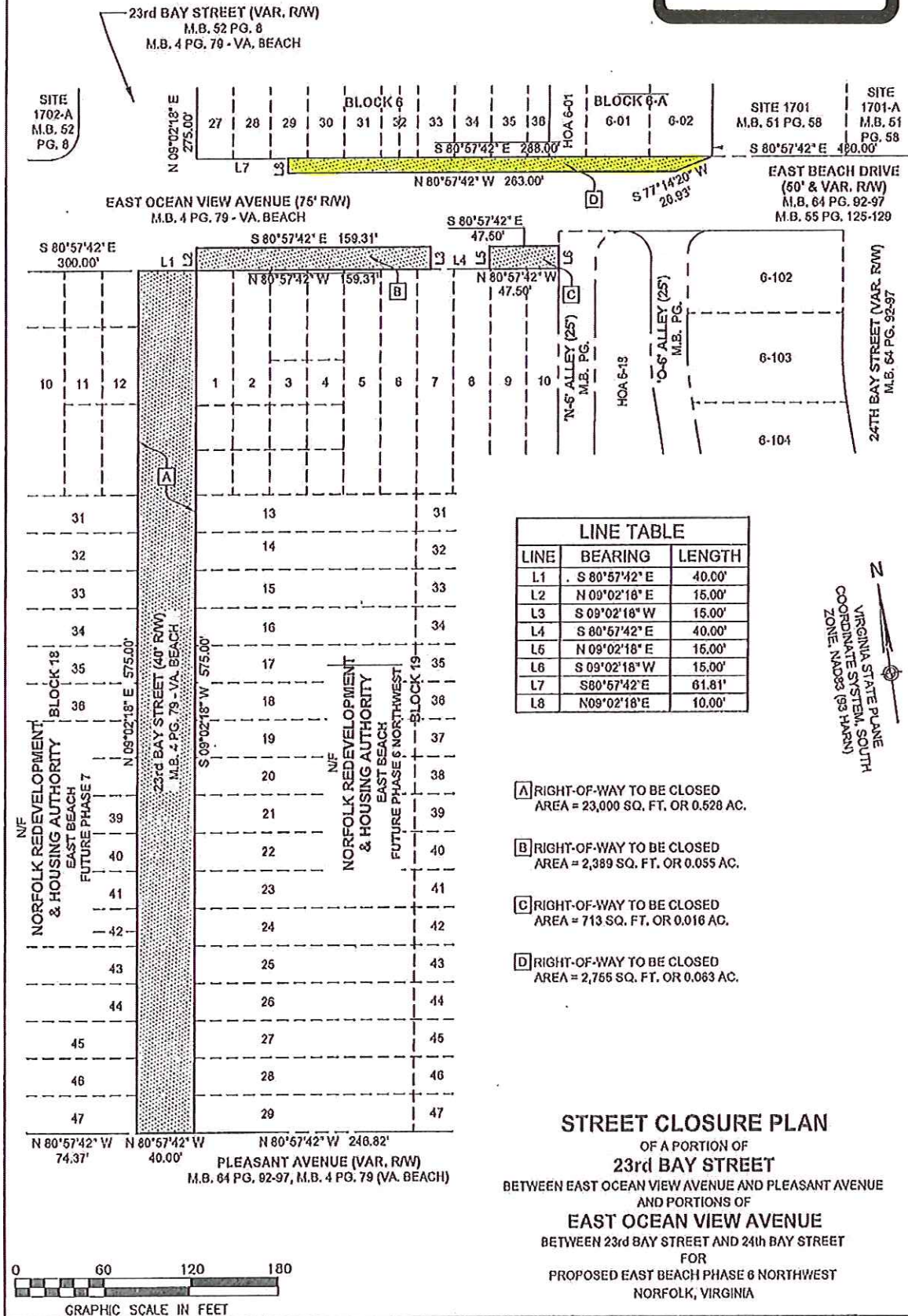


## **EXHIBIT 1**

### **Closure of a Portion of E Ocean View Avenue Containing 0.063 Acre**

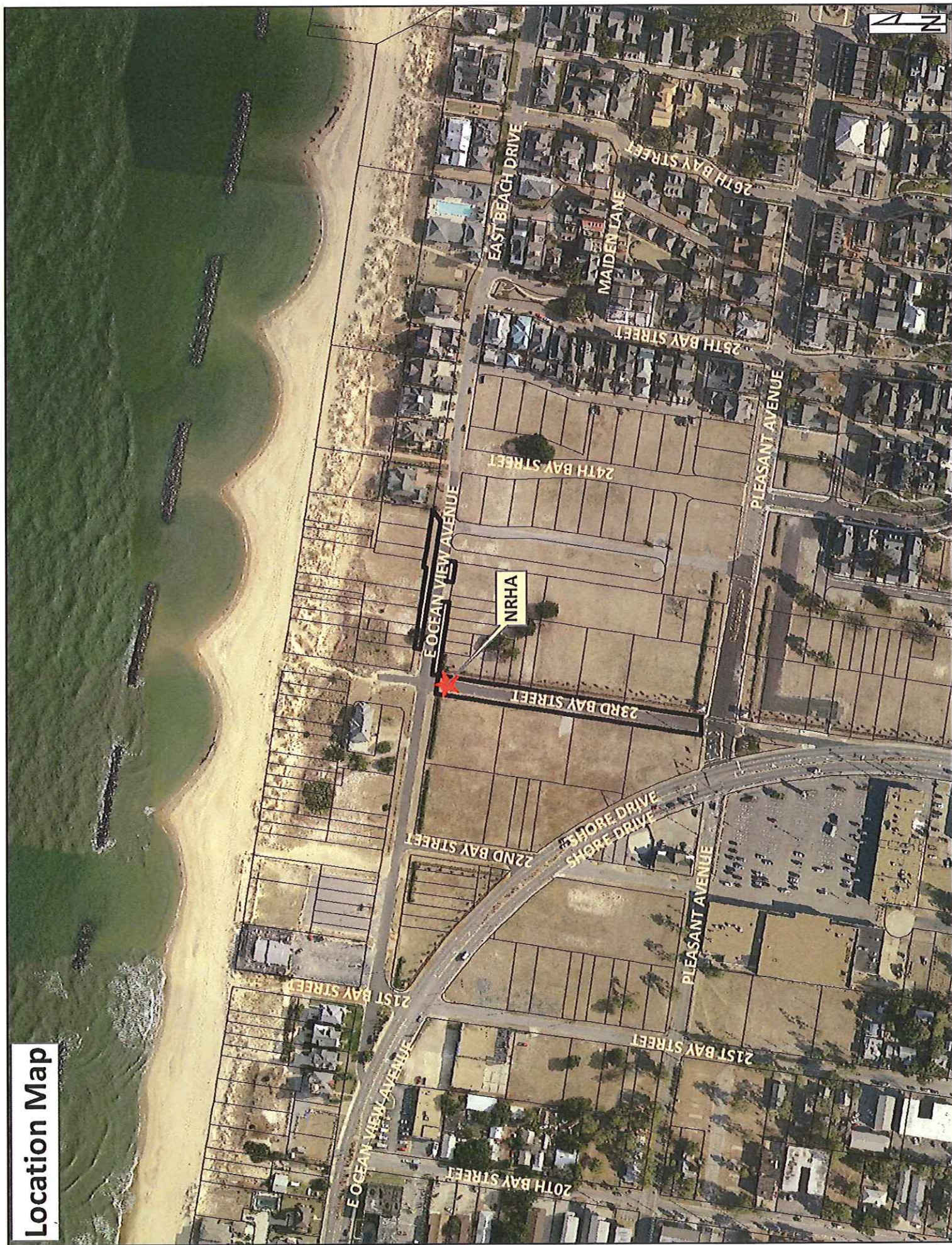
An irregular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of E Ocean View Avenue and being further described as follows: COMMENCING at a point that is the intersection of the eastern line of Old 23<sup>rd</sup> Bay Street and the northern line of E Ocean View Avenue; thence, from the point of commencement thus described, S 80°-57'42" E, 61.81 feet, more or less, along said northern line of E Ocean View Avenue to the point of BEGINNING; thence, from the point of beginning thus described, S 80°-57'42" E, 288.00 feet, more or less, along said northern line to a point; thence, S 77°-14'-20" W, 26.93 feet, more or less, to a point; thence, N 80°-57'42" W, 263.00 feet, more or less, to a point; thence, N 09°-02'18" E, 10.00 feet, more or less, to the point of beginning, all as shown on an exhibit entitled, "Street Closure Plan of a Portion of Old 23<sup>rd</sup> Bay Street Between East Ocean View Avenue and Pleasant Avenue and Portions of East Ocean View Avenue Between Old 23<sup>rd</sup> Bay Street and 24<sup>th</sup> Bay Street for Proposed East Beach Phase 6 Northwest," said exhibit being prepared by Woolpert of Chesapeake, Virginia and dated April 3, 2012.

The above-described parcel contains 0.063 acre of land, more or less.



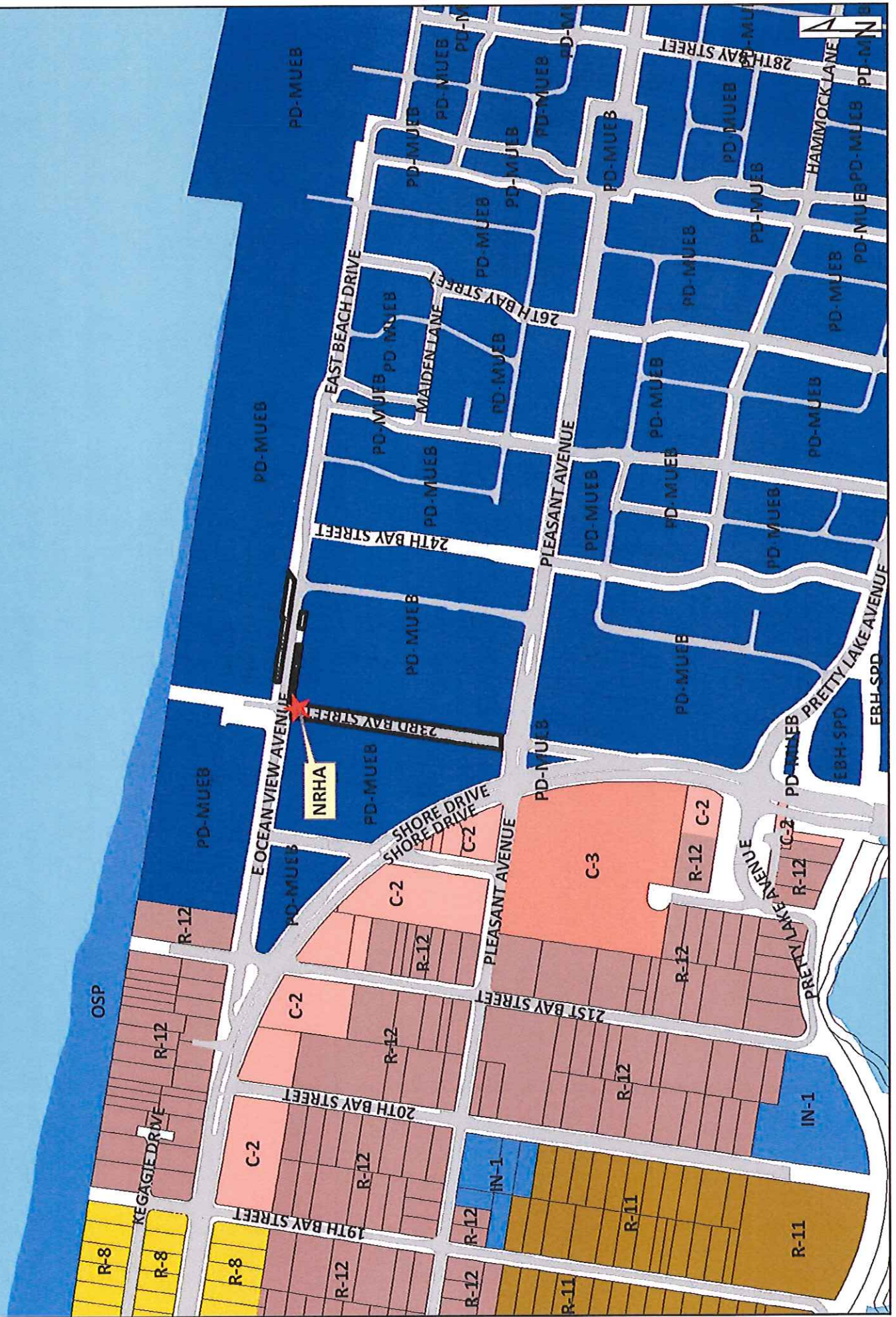


# Location Map





# Zoning Map







## City of NORFOLK

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7 September 2012

Al Abiouness  
President, East Beach Home Owner's Association  
9563 26<sup>th</sup> Bay Street  
Norfolk, VA 23518

Dear Mr. Abiouness:

The Planning Department received an application from Norfolk Redevelopment and Housing Authority (NRHA) to close several small rights-of-way on E. Ocean View Avenue and a portion of Old 23<sup>rd</sup> Bay Street. This item is tentatively scheduled for the 27 September 2012 Planning Commission meeting.

### Summary

In an effort to bring the E. Ocean View Avenue right-of-way into conformance with the East Beach master plan, NRHA wishes to decrease the size of the existing 75-foot right-of-way to the East Beach 50-foot wide standard. Old 23<sup>rd</sup> Bay Street will be closed from E. Ocean View Avenue to Pleasant Avenue and is to be re-platted according to proposed revisions to the East Beach master plan.

If you would like additional information on the request, you may telephone Amanda R. Christon Lutke, AICP on my staff at (757) 664-4986. A copy of the application and attendant materials is enclosed.

Sincerely,



Frank M. Duke, AICP  
Planning Director

Copy to: Carlton Ransom, Neighborhood Development Specialist, Department of  
Communications